

CASE NO.: 50P4369
Serial No.: 09/840,546
July 15, 2005
Page 7

PATENT
Filed: April 23, 2001

Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1, 2, 5-11, 14-24, and 28-33 have been rejected under 35 U.S.C. §102 as being anticipated by Klosterman et al., USPN 6,469,753. It is noted that in the body of the rejection, "Matthews" is referred to but in light of the context and the citations to particular portions it is believed that this is a typo, and that Klosterman indeed is what is being referred to. Claims 3, 4, 12, 13, and 25-27 have been rejected under 35 U.S.C. §103 as being unpatentable over Klosterman et al.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, all independent claims now require that unlike Klosterman et al., wherein the relied-upon virtual channel does not have its own channel number apart from a related TV channel, each web site channel listing is correlated to its own dedicated virtual channel number as disclosed on page 14, lines 11-15 and as shown in Figure 6. Moreover, unlike Klosterman et al. in which a channel must be clicked to cause an information panel to be displayed (see, e.g., col. 1, lines 50-55 and col. 6, lines 47-50), in the present independent claims a user can choose a channel by scrolling to the channel and toggling a selector element, with information about content on each channel being displayed in the information panel as the user scrolls across each respective channel, as disclosed on page 13, lines 18-20. Thus, each independent claim distinguishes between scrolling and toggling, and specifies that the information panel changes due to scrolling only. This feature does not appear to be taught or suggested by Klosterman et al.

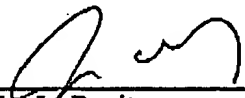
1168-12.AMD

CASE NO.: 50P4369
Serial No.: 09/840,546
July 15, 2005
Page 8

PATENT
Filed: April 23, 2001

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance. The provisional obviousness-type double patenting rejections are noted; since neither this application nor the relied-upon applications have yet been allowed, Applicant will hold in abeyance the filing of a Terminal Disclaimer (and the concomitant fees) until such time as a claim in this application is indicated as being allowable but for obviousness-type double patenting.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168.12.AMD